

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SPACE EXPLORATION
TECHNOLOGIES CORP.,

Plaintiff,

v.

NATIONAL LABOR RELATIONS
BOARD, a federal administrative agency,
JENNIFER ABRUZZO, in her official
capacity as the General Counsel of the
National Labor Relations Board, LAUREN
M. McFERRAN, in her official capacity as
the Chairman of the National Labor
Relations Board, MARVIN E. KAPLAN,
GWYNNE A. WILCOX, and DAVID M.
PROUTY, in their official capacities as
Board Members of the National Labor
Relations Board, and JOHN DOE in his
official capacity as an Administrative Law
Judge of the National Labor Relations
Board,

Defendants.

Case No. 6:24-cv-00203-ADA-DTG

**DEFENDANTS' UNOPPOSED MOTION TO STAY FURTHER PROCEEDINGS
PENDING APPEAL**

Defendants National Labor Relations Board, *et al.*, (“NLRB”) move to stay all proceedings in this Court and to indefinitely postpone any deadlines pending decision of the United States Court of Appeals for the Fifth Circuit on the NLRB’s appeal from this Court’s grant of a preliminary injunction. [Dkt. 43]. Under the proposed scheduling order the parties submitted to this Court on July 26, Plaintiff Space Exploration Technologies Corp. (“SpaceX”) and Defendants would both be required to allocate resources to briefing the matter before this Court while simultaneously preparing briefs and any attendant motions related to Defendants’

appeal of the preliminary-injunction order in the Fifth Circuit. To avoid straining party and judicial resources by engaging in concurrent litigation over the same or related issues in two different courts, Defendants therefore move for a stay and indefinite postponement of pending deadlines. The entry of such a stay would be consistent with the approach taken by the United States District Court for the Northern District of Texas in *Burgess v. Whang*, No. 7:22-cv-00100-O (N.D. Tex. July 18, 2023) (order attached as Exhibit A), after the parties to that case appealed from a preliminary-injunction order addressing claims similar to those that SpaceX raises here.

The parties have conferred, and counsel for SpaceX does not oppose the entry of the requested relief.

WHEREFORE, the NLRB respectfully requests that the Court stay briefing pending the completion of the appeal proceeding before the Fifth Circuit, as set forth above.

Respectfully submitted,

NATIONAL LABOR RELATIONS BOARD
*Contempt, Compliance, and
Special Litigation Branch*

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Dated this 29th day of July, 2024

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**CORNELIUS CAMPBELL
BURGESS,**

Plaintiff,

V.

**FEDERAL DEPOSIT
INSURANCE CORPORATION,
et al.,**

Defendants.

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Civil Action No. 7:22-cv-00100-O

ORDER

Before the Court is the Parties' Joint Status Report (ECF No. 83), filed July 14, 2023. In the status report, the Parties agree the proceedings in this Court should be stayed until the Fifth Circuit has decided the Parties' pending appeals from this Court's Orders of November 6, 2022 and December 1, 2022 (ECF Nos. 31, 49), styled *Burgess v. Whang*, No. 22-11172 (5th Cir.).

Accordingly, all proceedings in this Court are **STAYED**, pending the outcome of the appeals currently before the Fifth Circuit. Within 14 days of the Fifth Circuit's disposition of the appeals, the Court **ORDERS** the Parties to file a second joint status report detailing their views about whether the stay should be extended or, alternatively, whether additional proceedings in this Court should take place. Until such status report is filed, the Clerk of Court is **DIRECTED** to administratively close this case for statistical purposes.

SO ORDERED on this **18th** day of **July, 2023**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE